

Below is an Opinion of the Court.

  
RANDALL L. DUNN  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In Re:	)	
JOSIAH RYAN PFANNENSTIEL,	)	Bankruptcy Case
	)	No. 09-31350-rld7
Debtor.	)	
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JOSIAH RYAN PFANNENSTIEL,	)	
	)	Adv. Proc. No. 09-03280-rld
Plaintiff,	)	
v.	)	
	)	MEMORANDUM RE: DEBTOR'S MOTION TO
	)	RESET TRIAL
ECMC,	)	
Defendant.	)	
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On July 19, 2010, the Court held the trial on the debtor's complaint to discharge his student loan debts. The debtor did not appear at the trial. The day after the trial, the debtor filed a letter that the Court will treat as a motion ("motion") asking that the Court reset the trial. In the motion, the debtor explained that he was unable to attend the trial because he was "obligated" to attend a meeting that he "could not get out of in a timely manner."

The Court has recognized that the debtor is prosecuting this adversary proceeding on his own, pro se. Based on the Court's review of the record, the Court and the defendant, ECMC, have accommodated the debtor in many ways to allow the matter to proceed to trial and to ensure that the debtor is not handicapped by his pro se status.

The scheduling order entered on May 28, 2010 (docket #34), clearly set forth the trial date and time and the deadline for the submission of exhibits, any trial memoranda, and witness lists. Counsel for ECMC complied with the deadlines in a timely manner and appeared at the trial, driving from Salem to be present. The Court waited 15 minutes after the scheduled trial time to take the bench, in order to give the debtor time to arrive if he simply was late. The debtor did not appear at the trial. He moreover notified neither the Court nor ECMC's counsel that he had a scheduling conflict and might or would be unable to attend the trial, and he did not move to reschedule the trial prior to the trial date.

In his motion, he does not identify the nature of the conflict that prevented him from attending the trial and further does not explain why he did not at least take the time to call the Court and ECMC's counsel to advise them that he had a potential conflict with the scheduled trial date and time.

Under these circumstances, the debtor has not provided adequate cause to grant his motion. The Court therefore denies the debtor's motion and will enter an order accordingly.

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3 Stephen Tweet  
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